

MEMORANDUM

Agenda Item No. 6(D)

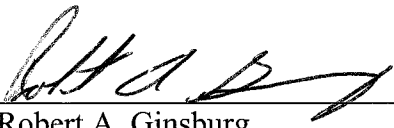
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to zoning;
modifying County
Commission vote requirement
on certain CZAB decisions

The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler, Commissioner Bruno A. Barreiro and Commissioner Natacha Seijas.



Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum



Date: February 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George A. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name "George A. Burgess".

Subject: Ordinance relating to zoning modifying County Commission vote requirement on certain CZAB decisions

This ordinance relating to zoning modifying County Commission vote requirements on certain CZAB decisions will have no fiscal impact on the County.

Fiscal01005




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 6(D)

Veto _____

2-1-05

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; MODIFYING COUNTY COMMISSION VOTE REQUIREMENT ON REVIEW OF CERTAIN COMMUNITY ZONING APPEALS BOARDS' DECISIONS; PERMITTING REVERSAL OF COMMUNITY ZONING APPEALS BOARD ZONING DENIALS, AND APPROVAL OF DEVELOPMENTS OF REGIONAL IMPACT, UPON A TWO-THIRDS VOTE OF COUNTY COMMISSIONERS PRESENT RATHER THAN TWO-THIRDS VOTE OF COUNTY COMMISSIONERS THEN IN OFFICE; AMENDING SECTION 33-313 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-313 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 33-313. Appeals to Board of County Commissioners.

Any appealable decision of the Community Zoning Appeals Board may be appealed by an applicant, governing body of any municipality, if affected, or any aggrieved party, including neighborhood, community and civic associations, whose name appears in the record of the appropriate Community Zoning Appeals Board by filing with the Department a petition in a form prescribed by the Director and a written statement specifying in brief, concise language the grounds and reasons for reversal of the ruling made by the Community Zoning Appeals Board, together with a fee for the processing of the appeal, as provided by

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Administrative Order No. 4-40, as amended from time to time, within the fourteen (14) days provided by Section 33-312 hereof, whereupon, the Director shall transmit to the County Commission the appeal papers, and the decision and record of the Community Zoning Appeals Board. If the ground for reversal is a failure to provide notice as required by Section 33-310, the name of the appellant need not appear in the record. If the decision of the Community Zoning Appeals Board is for approval and has not been appealed within the fourteen-day period, the County Manager pursuant to Section 33-314(B)(8) or the Director may appeal such decision within four (4) additional days in the manner aforesaid, except that a fee will not be required. Upon the taking of an appeal, the County Commission shall conduct a de novo hearing and shall consider why the decision of the Community Zoning Appeals Board should or should not be sustained or modified. By resolution, the Board shall either affirm, modify or reverse the Community Zoning Appeals Board's decision and such action of the County Commission shall be by a majority vote of all members present except that a two-thirds (2/3) vote of all members ~~>>present<< [[then in office]]~~ shall be required to reverse any Community Zoning Appeals Board decision denying a request for zoning action or to approve any Development of Regional Impact or modifications thereof, substantial deviation determination or related request pursuant to Section 33-314 where a Community Zoning Appeals Board's recommendation is for denial. No appeal shall be heard or considered until notice has been provided in accordance with the provisions of Section 33-310(c), (d), (e) and (f). With respect to appeals arising from the Downtown Kendall Urban Center District a two-thirds (2/3) vote of all members ~~[[then in office]]~~ ~~>>present<<~~ shall be required to reverse any Community Zoning Appeals Board decision denying a request for zoning action for a development proposed within the Center or Edge Sub-Districts of the Downtown Kendall Urban Center District. For any application for a development proposed within the Core Sub-District of the Downtown Kendall Urban Center District pursuant to Section 33-311 shall be decided by a majority vote of all members then in office.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

CAK

Craig H. Coller

Sponsored by Dr. Barbara Carey-Shuler,
Commissioner Bruno A. Barreiro and
Commissioner Natacha Seijas